THE FOURTH DAY.

15th February 1913.

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35. Amendments to the Game Preservation Regulation Amendment Bill.

The Assembly met at 11 A. M. on Saturday, the 15th February 1913.

Mr. A. J. Wright (Member, the Kanan Devan Planters' Association) said that, for some time past, the question of game preservation had been engaging the attention of the Kanan Devan Planters' Association, and the Association was glad that the recommendations made by them to the Government were considered in connection with the new Bill to amend the Game Preservation Regulation, III of 1073, now before the Legislative Council. As the recommendations of the Association were now before the Select Committee, the Member did not wish to enter into those proposals in detail, but he said that he had only one or two points to mention.

Firstly, he said that it was right that the Government were taking power to frame rules under the Regulation, and he noted that provision would be made in the rules, when framed, about the animals the slaughter of which was to be prohibited entirely, the sizes of the trophies which might be legitimately killed, the number of heads, and the like. In his district, the sportsmen had agreed by common consent to subject themselves to the limits in regard to the heads of animals which the Association had prescribed in their letter to the Government.

Secondly, in regard to 'fish', about which Mr. P. Kesava Pillai had an amendment, he said that he (Mr. Kesava Pillai) was evidently thinking of the fish in the plains. Since 1908, the Association had collected and spent about Rs. 5,000 for introducing 'trout' into the streams. The efforts hitherto made had not met with success, but the Association intended to continue the experiments, in the hope of attaining success eventually. The experiment had already been tried in the streams in all parts of Yellappatti and round about Munnar. He therefore said that fish should also be protected and brought within the purview of the new Bill.

Lastly, the Member requested that, if possible, the Game Committee might be allowed to supervise the working of the licenses granted under the Regulation after it became law. He added that the District Magistrate would always be a Member of the Committee and that there should not therefore be much objection to the grant of the request.

Dewan's reply.—The suggestions of the Member are noted for consideration in the Legislative Council.

36. Suggestions for amending the Towns Conservancy and Improvement Regulation.

Mr. G. Sankaranarayana Iyer (Member, T. I. C., Shencotta) first submitted that the boundaries of the Shencotta town should be modified so as to include within it

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the locality known as Kalankara, if the same now did not form part of the town.

Dewan.—The Committee will have to recommend it.

The Member then proposed the following amendments to Regulations III of 1076 and II of 1088.

Regulation III of 1076.

(1) *Section 4 (1)* laid down that the Dewan might declare his intention to constitute any area as a town. The Member said that the minimum qualification required before a town could be so constituted should be prescribed. He suggested that they should have reference to the number of houses or to the population within the proposed area.

(2) *Section 6.*—Under the wording of the section, there would not be a valid Committee unless there were 8 members, besides the President. The Shencotta Committee consisted of 4 official and 4 non-official members, and with the death of a non-official member recently, the constitution could not be said to be strictly legal.

Dewan.—The vacancy is being filled up.

The Member proceeded and said that Shencotta was the only Committee which had an official majority. To provide against casualties of the kind, and on principle, and for the more zealous working of the Committee, he suggested that the Committee at Shencotta be reconstituted with 3 official members, besides the President, and not less than 7 non-official members.

In para 2 of the section, he said that the proportion of the official members to the total strength should be reduced from one-half to one-third.

Dewan.—The Government do not generally object to the proposals of the Committees in matters like these. In Shencotta, there was some difficulty in finding even the four non-official members. Action will be taken to reduce the number of the official members to 3 and increase that of the non-officials to 7, as suggested by the Member. The people may elect the additional non-official members.

(3) *Section 13 (2).*—The words "any member" should be substituted for "not less than two of the members". It should be possible for even *one* member of the Committee to move the President to convene a special meeting. In Shencotta, there was difficulty in getting two members to join for the purpose of making the requisition.

Dewan.—What the Member describes appears to be an extraordinary state of affairs. There should be no difficulty to get one other member to agree in a case like that if the requisition was even passably reasonable.

(4) *Section 14 (5)* laid down that a resolution once passed should not be modified within three months, except at a special meeting and by a resolution of the Committee supported by not less than one-half of the sanctioned number of members. The Member said that the provision was inconvenient

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and unnecessary, as it operated as a bar to the immediate rectification of any clear mistake of the Committee.

Dewan.—If the original resolution be a clear mistake, there should be no difficulty in conforming to the section and securing the votes of one-half of the members for correcting the mistake.

(5) *Section 28.*—Under the rules, the power of appointing and punishing the subordinates of the Committee vested in the President. He said that the powers should vest in the Committee.

(6) *Section 33.*—The proviso exempting the Public Works and Maramat Departments from payment for occupying a public street should be omitted, as there was the likelihood of the low-paid subordinates of the Departments misusing the provision to the detriment of the Town Fund. He however admitted that he had no specific instance of the kind to mention.

He also suggested the addition of a new exception to the section as follows:—

"Streets not maintained, cleaned or lighted by the Committee, and in the sole management of a few individuals, on a written understanding by them with the Committee to that effect, shall be excluded from the operation of the section."

The definition of 'street' appeared to include all open space, registered or *poramboke*, over which the public had a right of way. In Shencotta there were about 100 such streets, some of which were registered in the names of private individuals, and since the Committee did not sweep, clean or light them or do any manner of benefit to them, and since they were wholly maintained by private people, there was no justification to saddle the people with any liability to pay. The amendment proposed would meet the object, at the same time allowing the Committee some sort of control over the areas.

(7) *Section 83.*—All sums realised by way of court fees on petitions presented to the Committee should go to the credit of the Town Fund. At present the income under that head was a loss to the Committee. The section required to be modified.

(8) *Section 86.*—In the proviso to para 1, the words 'annual *tax*' should be substituted for "annual *value*".

Exemptions I and II should be omitted. Under Exemption I, several houses escaped taxation because the rental was slightly less than Rs. 24, and even when the same person owned more than one house, the rental of each of which was within the amount, they were all exempted. The Member thought the interpretation to be incorrect.

In the British Indian Municipalities, Government buildings were not exempt from taxation. He would therefore tax them, as well as temples, churches, mosques &c., although the latter were immune from tax in British India.

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(9) *Section 98* might be modified so as to vest in the Committee the power of revising or cancelling the orders of the President on petitions. The object was to save parties from unnecessary cost and trouble.

(10) *Sections 111 & 112* required amendment so as to make it obligatory on a servant or even a stranger to furnish information of births and deaths to the Registrar.

Regulation II of 1088.

(11) *Section 8* of Regulation II of 1088 vested in the Magistrate the power to declare an article of food, drink &c., unfit for consumption, and also to order the payment of compensation for depreciation or loss to the owner. The provision, he said, would go seriously against the interests of the Committee, because (1) the Magistrate could not be a better judge than the Medical officer, who was either the President or Member in every Committee, and (2) for the fault of a servant of the Committee, there was the risk of the Committee having to pay damages to the owner, without question. The power should be given to the President, or the Magistrate should decide in consultation with the opinion of the local Medical officer.

The Member next suggested the desirability of defining the powers and responsibilities of the President and Members of the Committee.

In conclusion, he referred to the inadequacy of the Government grant to his Committee. While in the hands of the Sanitary Department, a sum of Rs. 1,297 was being spent on the town, and that was more than what was being spent on other towns. That itself was clear proof that the needs of Shencotta were greater than those of other towns. As the Committee was in its infancy, there was no justification to reduce the grant to anything less than the above amount. He, therefore, requested that at least Rs. 1,000 might be allowed as the Government grant for some years, until the Committee was able to collect enough funds to meet all requirements.

Mr. L. M. Raja Raja Varma (Member, T. I. C., Changanacherry) said that Section 8 of Regulation II of 1088 (amending the Towns Conservancy and Improvement Regulation, III of 1076) provided for the detention, by the President or by any person authorised by him, of articles of food intended for sale, if they were found unfit for human consumption, and also for their production before any Magistrate. If the Magistrate found that the articles so detained were fit for human food or drink, he was to make an order directing the President to return such articles or such portion thereof as might be in good condition, to the owner or to the person in whose possession such articles were found, and to pay him from the Town Fund such reasonable amount as the Magistrate considered would compensate such owner or person for any loss or depreciation that might have been caused by such detention. The Member said that the Magistrates were not, as a rule, qualified to do chemical examination, to decide whether the articles produced before them were fit for human consumption or not. Further, the articles would

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have to be kept in the custody of the Committee officers for a long time before they were produced before the Magistrate, as the latter might often be out of head-quarters. If they were not so produced within a short time, the owners were certain to plead that the articles were sound when taken from them and claim compensation in almost all cases. The Member thought that the present arrangement would thus act as a heavy drain on the Town Fund, which in most cases was but a nominal amount. He therefore requested that the power conferred on the Magistrate might be transferred to the President. In most of the Committees, the President was the Medical officer and could thus act efficiently. Even in the case of the other Committees, the Medical officer or the Sanitary officer of the District was invariably a Member and the President would have no difficulty in taking the needful action under the section in consultation with such officers.

Dewan's reply.—The suggestions for amending the Regulation are noted. The difficulties pointed out by the Members in the working of Section 8 of Regulation II of 1088 appear to be real. The matter will receive attention.

37. Amendment of the Breach of Contract Regulation and the undesirability of any addition to the existing labour laws.

Mr. A. J. Wright (Member, the Kanan Devan Planters' Association) said that, since the subject was notified, he understood that the Government had decided upon amending the existing Breach of Contract Regulation, II of 1080. He would therefore confine himself to the form of the amendment. Section 4 prescribed a limit of three months within which prosecution should be started against a defaulting contractor. The intention of the Government was generally understood to be that the period should run from the termination of the contract. But a Full Bench of the High Court interpreted it otherwise and it had been ruled that the period should be calculated from the *first* breach of the contract. Every contractor had to provide labour by a certain date and provide a certain number of coolies. The term of the contract in the district was usually nine months. If therefore he defaulted in either of the two things in any the smallest particular, he might be held to have committed a breach, and unless proceedings were taken against him within three months from that date, the omission might be held to bar any action against the contractor for a subsequent breach of a serious nature. The Planters did not like to face the position of prosecuting every one of their contractors, to which they were likely to be driven by the section, but their tendency was to avoid criminal prosecutions, if possibly they could. The best amendment would therefore be to make the period of three months run from the termination of the contract. If that was not practicable, the Member suggested, as an alternative measure, that a proviso be added to the following effect, *viz.*, "provided that, if the contractor, having defaulted by failing to commence work on the proper date or by failing to supply the proper number of coolies, subsequently ratifies his contract with the consent of his employer, he shall be considered to have legally ratified it and shall be liable to prosecution for any subsequent default, even though three months have elapsed since his first default."

Proceeding to the question of the undesirability of any addition to the labour laws, the Member said that his

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